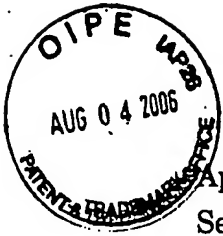


10/822,367

MMTC 04-1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sterzer et al.

Serial No.: 10/822,367

Filed: April 12, 2004

Title: INFLATABLE BALLOON CATHETER STRUCTURAL DESIGNS
AND METHODS FOR TREATING DISEASED TISSUE
OF A PATIENT

Art Unit: 3739

Examiner: Rosiland Stacie Rollins

RESPONSE AFTER FINAL REJECTION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-14501

Sir:

Do not enter
Rollins
8/31/06

This is in response to the Office action of June 26, 2006 finally rejecting Claims 1 and 2 under 35 U.S.C. 102(e) as being anticipated by Truckai et al. (US 6813520) and finally rejecting Claims 1-10 and 17 under 35 U.S.C. 103(a) as being unpatentable over Kasevich et al. (US 5057106) further in view of Truckai et al. '520.

The Examiner's finding that electrodes 14 of Truckai et al. constitute an "antenna" in accordance with Webster's II New Riverside Dictionary definition is traversed. It is submitted that electrodes 14 are not "a metallic device for transmitting and receiving electromagnetic waves (underlining added)". "Electromagnetic waves" constitute radiation in accordance with Maxwell's equations. Electrodes 14 are not capable of transmitting, receiving or even being involved in such radiation.

More particularly, if a DC voltage is applied to 2 spaced electrodes separated by a dielectric exhibiting a high resistance, the resulting electric energy field will cause a current to flow through the dielectric, thereby causing a relatively small amount of so-called I^2 heating of the dielectric. However, if an RF frequency (e.g., about 500 kHz as stated in Truckai et al.